

**Franklin Township Human Relations Commission
Minutes of the March 24, 2008 Meeting,
Historic Conference Room, Public Library**

Commissioners Present: Gary Rosenthal, Chairman, Nora Q. Catiis, Willie Goods, Alvin Levine, Robert Stone, Mylo Thompson, Rajiv Prasad, Council Liaison

Absent: Ike Agudosi, Marilyn Altman, Edna Arguello-Hitchner, Rebecca White Johnson, Murray Rothblatt, John Tibbs, Det. Sean Hebbon & Lt. Richard Grammar, Police Department Liaisons

Chairman Gary Rosenthal called the meeting to order at 7:10 p.m.

Copies of the Minutes of the February 25, 2008 meeting, which were distributed by mail, were approved.

Gary announced the appointment of the new Commissioner, Alvin Levine. This was followed by brief self-introductions of everyone present.

Gary advised that at a recent meeting of the Week of the People Planning Committee, HRC has been asked to take charge of the Film Festival on Wednesday, August 6, to be held in the old high school. He also advised that he continues to follow up to clarify the apparent non-involvement of the township in the Week of the People. He would be attending the Week of the People Planning Committee meeting on Tuesday, March 25 at 5 p.m., at the SCAP's office on Hamilton Street.

Gary also advised that the Franklin Youth Initiative (FYI) will hold another General Meeting on Monday, April 7, at the Senior Center. There will be guest speakers and various FYI committees will make progress reports.

Bob Stone made a motion, which was unanimously passed, that as a means of "erring on the side of caution," HRC ascertain from the Township's Police Department the status of the training of police officers on the Attorney General's guidelines (i.e.: guidelines that authorize the police to ask about immigration status when arresting someone for what are known as indictable offenses, and then to notify Immigration and Customs Enforcement if it is suspected that the person is here illegally. The directive forbids officers from asking the immigration status of witnesses or crime victims, or of persons "requesting or receiving police assistance."). For further details, see attached e-mail "Resolution" and relevant news article attachment. Bob further suggested inviting Anna Rivera, Outreach Manager of the Hispanic Directors Association of New Jersey, to one of HRC's meetings.

With respect to the two Peace and Non-Violence Memorial (statues) of Mahatma Gandhi and Rev. Dr. Martin Luther King, Jr. that will be erected in the Township municipal plaza, Councilman Prasad advised that he continues to negotiate the pricing of the two statues. He advised the possibility that the Gandhi statue might end up being donated by the Embassy of India. With him and HRC spearheading the fundraising campaign (and Assemblyman Upendra Chivukula and Rev. Soares suggested as Co-Chairs), private donations, on various levels, will be solicited.

Bob Stone reiterated a request he made at a previous meeting with regard to the recruitment to the HRC, on an ex-officio basis, of two young members (senior and junior high school students) to represent the youth. Gary advised that he would contact Orvyl Wilson, Director of School Management and Student Advocacy, Franklin High School.

Mylo Thompson inquired on the status of business cards for HRC commissioners for official identification purposes and Gary advised he would follow up.

The meeting adjourned at 8:10 p.m. The next meeting is on Monday, April 28 at 7 p.m., same location.

Respectfully submitted,
Nora Q. Catiis, Secretary

Attachments: R. Stone's March 24 E-mail and NY Times Article dated March 23

From: Rlstone9753@aol.com

To: GRosen7455@aol.com

Sent: Monday, March 24, 2008 8:55 PM

Subject: Motion regarding questioning concerning illegal immigrants

From: Bob Stone

Dear Gary,

Confirming the motion adopted at the FT HRC meeting on March 24, 2008, please consider for forwarding the text below for follow-up action.

WHEREAS New Jersey Attorney General Anne Milgram has authorized local police to question individuals as to their immigration status when making arrests for defined crimes, including, but not limited to, driving while intoxicated; and

WHEREAS such questioning does not include common situations such as ordinary traffic stops and does not normally apply to passengers in vehicles subjected to ordinary traffic stops and does not apply to witnesses to crimes; and

WHEREAS it has been frequently reported, including an article in the New York Times on March 23, 2008, the text of which appears below, that law enforcement agents in several New Jersey communities have gone beyond the scope of the Attorney General's authorization due to being overzealous or because of confusion; and

WHEREAS improper adherence to the guidelines can cause immigrants to avoid contacting government or health authorities when there is need to do so; and

WHEREAS it is desirable that all residents of Franklin Township have confidence that there is compliance with the Attorney General's guidelines;

NOW, THEREFORE, the Franklin Township Human Relations Commission (FT HRC) requests the administration of the Township's Police Department to advise the FT HRC as to the status of the training of police officers on the Attorney General's guidelines and whether there is confidence that there has been adherence to the guidelines.

New York Times, March 23, 2008: Immigration Referrals by Police Draw Scrutiny

By [KAREEM FAHIM](#)

WOODBURY, N.J. — A green-card holder from Guatemala said he was asked about his [immigration](#) status last month when he went to pick up his nephew from the West Deptford, N.J. police station.

An illegal immigrant from Mexico was arrested March 5 when the car in which he was a passenger was pulled over for rolling through a stop sign in South Harrison Township, N.J.

Seven months after the state attorney general, [Anne Milgram](#), ordered local police departments in [New Jersey](#) to question people they arrest for certain crimes about their immigration status and to report illegal immigrants to federal authorities, the rate of such referrals has nearly doubled.

But immigrants and their advocates say that some people have been unfairly swept up in the dragnet because of overzealous enforcement or confusion over how Ms. Milgram's directive was supposed to be implemented, creating a chilling effect on some immigrants' relationships with the police.

"This is imposing an incredible human cost on these immigrants," said Maria Juega of the Latin American Legal Defense and Education Fund. "They fear contact with authority. Any remote or direct link with the government is now a risk for an immigrant."

The directive was announced last August amid outrage after a triple murder in which one of the suspects was an illegal immigrant who had been released on bail after previous arrests. It urged officers to inquire about citizenship and nationality when booking people for felonies or drunken driving.

From September through February, New Jersey law enforcement agencies referred 8,874 cases to a United States Immigration and Customs Enforcement center in Vermont, up from 4,589 for the same period a year earlier. In the latest period, there were also 1,501 referrals to a Newark office of the federal agency, and while officials could not provide the previous year's numbers, they said there had been a noticeable increase.

According to statistics from the federal agency, of the more than 10,000 New Jersey referrals since September, 1,417 people were charged with immigration violations. Through January, immigration authorities placed detainers on an additional 1,468 people — giving federal agents the right to hold suspects who are released from jail. A spokesman for the agency said it could not immediately provide the number of people who had been deported.

Scott Weber, the field office director for the enforcement office in Newark, said that in roughly a third of the cases, his agency would file a detainer or immigration charges; another third involved individuals who could be deported after their court cases; and the rest might be United States citizens or legal residents.

"We're most proud of the way this has facilitated communication," Mr. Weber said. "We're not asking agencies to do anything other than their job, or to take into custody anyone they wouldn't have."

Mr. Weber said the federal agency was mindful that the directive prohibited racial profiling. "There's been good adherence to the directive in spirit and word," he said.

In an interview, Ms. Milgram said the directive had helped keep serious criminals in prison, as federal immigration authorities detained those who had "murdered people, who stabbed people, who were

arrested for D.W.I. or who molested kids,” but who might otherwise have been released on bail, on parole or at the end of their sentences.

But advocates for immigrants said the directive caused collateral damage; they cited cases in which people had been questioned about their status during routine traffic stops — especially in rural areas — or witness interviews. That, Ms. Milgram has said, should not happen. Misdeeds like carrying a fake driver’s license that lawyers say rarely result in jail time now can lead to deportation.

“I do think these are potentially serious offenses,” Ms. Milgram said. “A false driver’s license is a felony. That’s a policy question. That, to me, is not a criticism of the directive.”

While Ms. Milgram said that only two credible complaints about the new policy had come to her office, immigration advocates said it was unlikely that those here illegally would lodge complaints about the local police with the state attorney general.

Ms. Milgram said she planned to release data about the directive to the public later this year. For now, state and federal officials were unable to say where the large increase in referrals was coming from, and some prosecutors said in interviews that they had not yet tallied the number of deportable arrests that local departments report to them.

What is clear is that the directive is being enforced unevenly across the state.

Mark W. Ott, the police chief in Bridgeton, a South Jersey town of about 22,000, said his department had referred 36 cases to the immigration authorities since August; a police spokesman in Newark, the state’s largest city — and the site of the schoolyard slayings that inspired the directive — said that the police there had referred none.

Police departments in Camden County made 37 referrals, after arrests on charges ranging from shoplifting to assaulting a police officer. Here in Gloucester County, the prosecutor’s office said that the police had notified them of eight referrals since January 2007.

Lt. Anthony Traina of the Paterson Police Department said he had not yet compiled the number of referrals that had been made since the directive was issued. “We don’t actively look for this stuff,” Lieutenant Traina said. “Everyone comes here from another country. Our investigations rely on an open dialogue with the community. It hasn’t changed.”

Ms. Milgram’s order tells the police to ask about immigration status when arresting someone for what are known as indictable offenses, and then to notify Immigration and Customs Enforcement if it is suspected that the person is here illegally. The directive forbids officers from asking the immigration status of witnesses or crime victims, or of persons “requesting or receiving police assistance.”

These two aspects of the order both played out in West Deptford, a township of 20,000 in Gloucester County, after Eldar Salazar was pulled over on Feb. 13 by an officer who said he was driving 39 miles an hour in a 25-mile-an-hour zone.

The police said that Mr. Salazar, a janitor who does not speak English, presented a fake driver’s license and was arrested.

The police chief in West Deptford, Craig J. Mangano, said that one of his best officers had made the arrest and had the right to ask about immigration status. But an uncle of Mr. Salazar’s, Francisco Escobar, 45, who has a green card and works as a cook at a steak house, said, “I feel like the police are chasing illegals.”

He added: “My nephew didn’t drink. He didn’t get into trouble. He just worked.”

And now it looks as though Mr. Salazar could be deported.

The rest of Mr. Escobar's account raised the possibility that some officers either do not understand or are ignoring the language of the directive. When his nephew called him after being arrested, Mr. Escobar said, he went to the police station and spoke to an officer, whose name he does not remember.

"The officer asked whether I was legal," Mr. Escobar said. "Where I lived. Where I lived before. And how long I had lived at my present address."

After he had waited at the police station for two hours, Mr. Escobar said, the officer told him that Mr. Salazar, who had given false identification, would have to stay at the station. (He said he later charged nearly \$11,000 on a credit card to bail Mr. Salazar out of jail.) Chief Mangano said his officers had probably asked for identification to make sure Mr. Escobar was who he said he was.

An episode this month reveals another growing complaint among immigrants: that the police start fishing for documents during routine traffic stops.

Manuel Guzman, an organizer with the Farmworkers' Support Committee, said that he was pulled over for ignoring a stop sign in South Harrison, a burg of 2,400 in South Jersey. The officer checked Mr. Guzman's license, which is normal procedure, but then went a step further, asking his passenger for identification. The passenger, a member of the farm workers' group who insisted that he be identified only by his first name, Aurelio, handed the officer a Mexican consular identification and was arrested. Mr. Guzman was never given a ticket, and Aurelio was not referred to the federal authorities and was released. Mr. Guzman said he thought he was pulled over because he had Pennsylvania license plates; many illegal immigrants in New Jersey register their cars in Pennsylvania, advocates and law enforcement officials say, because the identification requirements are less stringent.

The South Harrison police chief, Warren Mabey, said the officer thought Aurelio was another man with the same name who had several outstanding warrants. The chief said the arrest had nothing to do with racial profiling: On the same day, the same officer pulled over 10 other drivers, including seven white men, a white woman, and two other men, one Hispanic and one black. "If our intent was to pull over every Hispanic with a Pennsylvania license plate," Chief Mabey said, "we'd do it all day."

When officers do pull over drivers in New Jersey, they now have broader powers to find out who is in the car. A New Jersey Supreme Court decision in February held that the police can run the names of passengers in cars they stop through a national criminal database.

That may be what happened to a 22-year-old illegal immigrant from Guatemala who was deported in February. Tatiana Durbak, a lawyer who spoke with the deported man's father, said the young man was a passenger in a car that was pulled over. When he gave the officer a Guatemalan identity card, he was arrested and referred to immigration authorities, according to the father, who asked that his son's name not be published.

That type of enforcement, immigrant advocates say, contributes to rising anxiety. But law enforcement officials say those stops are useful: According to a spokesman for the federal agency, a 22-year-old with the same name as the one described by Ms. Durbak had been ordered deported in 2004, and was wanted on a fugitive warrant.

Several police officials said they had rolled out the directive with little instruction and in many cases officers were asked to simply initial a book that said they had read it.

The Newark Police Department is one of only a few in the state that is providing a comprehensive training program. It came after a Newark police official violated the directive in September by

questioning a photographer from the Brazilian Voice, a local newspaper, about his immigration status after the photographer and his editor informed the police that they had found a woman's body on a trash-strewn side street.

Ms. Milgram acknowledged that better training was needed, and said that she would issue new instructions requiring it. "I'm far from saying the directive is perfect," she said.